

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the)
application of: Terry J. Johnson)
Serial No.: 10/623,829) Examiner: Ekins, Gary
Filed: July 21, 2003) Art Unit: 3727
Title: CONTAINER FOR) Confirmation No.: 5745
FOODSTUFFS)
)

VIA ELECTRONIC
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SUPPLEMENTAL AMENDMENT AND RESPONSE

In response to the Notice of Non-Compliant Amendment mailed June 5, 2006, Applicant submits the following supplemental amendment and response.

Amendments to the Claims are reflected in the listing of claims that begins on page 2 of this paper.

Remarks begin on page 3 of this paper.

Amendment to the Claims:

The following listing of claims replaces all prior versions and listings of claims in the application:

List of the Claims:

12. (Currently Amended) The container as defined in claim 11[,-] that further comprises a tray, wherein the carton, the tray and the pad are transversely bisected by a segmented cut line normal to each longitudinal edge such that the container may be separated into like first and second containers.

13. (Currently Amended) The container as defined in claim 12, wherein the first and second containers each include one end panel from the pair of opposing end panels extending from a first end of the base panel and the other another end panel from the pair of opposing end panels is defined within the base panel having a hinge line adjacent a second end of the base panel such that the end panels move rotationally in the same direction from the first operative position to the second operative position.

REMARKS

This paper is responsive to the Notice of Non-Compliant Amendment mailed June 5, 2006, relating to the above-identified application. Claims 12 and 13 were considered to be non-compliant because they included dependencies which had been changed from the original claims, but were not underlined and the original dependencies had not been deleted. Such improper dependencies, as alleged by the Examiner, were merely typographical errors by support staff as any other interpretation is non-sensical, as would be recognized by anyone.

Applicant hereby submits corrected Claims 12 and 13.

The Commissioner is hereby authorized to charge any underpayment or credit any overpayment to Deposit Account No. 22-0259 or any payment in connection with this communication, including any fees for extension of time, which may be required. The Examiner is also invited to call the undersigned if such action might expedite the prosecution of this application.

Respectfully submitted,

Dated: 6/16/06

Vedder, Price, Kaufman &
Kammholz, P.C.
222 North LaSalle Street
Chicago, Illinois 60601-1003
(312) 609-7716
mturgeon@vedderprice.com

By: Michael J. Turgeon
Michael J. Turgeon, Reg.
No. 39,404